

From: [Dugan, Erin](#)
To: [Jepson, Scott](#)
Cc: [Green, Jamie \(R7\)](#)
Subject: FW: [EXTERNAL] FW: ESE Alcohol AOC Follow-up
Date: Friday, June 24, 2022 7:43:05 AM
Attachments: [Wheat Crop Sample Plan ESE Alcohol 6-22-22.pdf](#)

Scott-

I am forwarding this information I received from EPA. Please follow up with Jamie regarding this e-mail.

From: Green, Jamie (R7) <Green.Jamie@epa.gov>
Sent: Friday, June 24, 2022 6:47 AM
To: Dugan, Erin <Erin.Dugan@fda.hhs.gov>
Cc: Weekley, Erin <weekley.erin@epa.gov>; Barton, Kasey <Barton.Kasey@epa.gov>; Madden, Venessa <Madden.Venessa@epa.gov>
Subject: [EXTERNAL] FW: ESE Alcohol AOC Follow-up

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Hi Erin – Left you a VM on this but thought I'd shoot you an e-mail with some more details. If you aren't the right FDA contact am hoping you can point me in the right direction.

There is an ethanol facility that recently stopped operating in western KS that was using treated seed corn as feed stock for the ethanol production process. We know from our experience with a different facility that the resulting wet cake and waste water can contain high levels certain fungicides and insecticides. Of particular interest are some of the neonic pesticides which are systemic and will be taken up into the plant.

Ex. 5 AWP / Ex. 7(A)

Ex. 5 AWP / Ex. 7(A)

This facility has been applying the wet cake and waste water to fields under it's control for some time. I am not aware of whether any soil samples of these fields has been done but have included the attorneys and a risk assessor helping on this project who may have more insights.

Ex. 5 AWP / Ex. 7(A)

Ex. 5 AWP / Ex. 7(A)

As case teams have

expressed concerns to the facility about potential residues in any harvested crops, the facility has voluntarily expressed a desire to voluntarily sample the wheat prior to harvest. Their very brief plan for this is provided below. We would like to be able to provide them some clear guidance on what might be an appropriate response for the collection, handling, and analysis of these wheat samples. I wanted to be sure that a) we made FDA aware of the site and the issue and b) check with you to see if you or anyone else might be able to provide some perspectives on what is being proposed and whether there might be some existing FDA protocols that would be helpful to provide the facility, etc.

Should any of the samples come back at levels FDA considers to be of concern or approaching a level of concern we would obviously want to reach back for additional input.

Ex. 5 AWP / Ex. 7(A)

I know there are a lot of details that would be key to a decision here. We may have some additional

background that could be helpful and could be discussed if you'd like a call. **Ex. 5 AWP / Ex. 7(A)**

Ex. 5 AWP / Ex. 7(A)

The wheat is anticipated to be ready for harvest next week so they are hoping to actually collect samples this Friday. At this stage I know they are always looking to get it cut to reduce the risk of wind or other weather events putting it on the ground. I'm not sure we can get back to them quickly enough for that to happen if you see this in time would definitely value any perspectives you might offer.

Thanks!

Jamie

From: Barton, Kasey <Barton.Kasey@epa.gov>

Sent: Thursday, June 23, 2022 11:00 AM

To: Green, Jamie (R7) <Green.Jamie@epa.gov>

Cc: Weekley, Erin <weekley.erin@epa.gov>

Subject: FW: ESE Alcohol AOC Follow-up

Hi Jamie:

We are hoping you have some time today to discuss this – **Ex. 5 AWP / Ex. 7(A)**

Ex. 5 AWP / Ex. 7(A)

. Is there a time that works best for you?

Thanks,

Kasey

From: Barton, Kasey

Sent: Thursday, June 23, 2022 8:28 AM

To: Buckner, Edwin <Buckner.Edwin@epa.gov>; Lewis, Hannah <Lewis.Hannah@epa.gov>

Cc: Bruno, Jodi <Bruno.Jodi@epa.gov>; Erin Weekley <Weekley.Erin@epa.gov>; Madden, Venessa <Madden.Venessa@epa.gov>; Beringer, Mike <Beringer.Michael@epa.gov>

Subject: FW: ESE Alcohol AOC Follow-up

Ed and Hannah:

Please see below. ESE's sampling plan for wheat crop (scheduled for tomorrow) is attached for your review. **Ex. 5 AWP / Ex. 7(A)**

Thanks,

Kasey

From: Marty, Kirk F. (SHB) <KMARTY@shb.com>

Sent: Wednesday, June 22, 2022 8:03 PM

To: Barton, Kasey <Barton.Kasey@epa.gov>

Cc: Jim Dowell <jdowell@dowelllaw.net>; deberning esearch.com <deberning@esearch.com>; Terry Bobo <tbobo@emiok.com>

Subject: RE: ESE Alcohol AOC Follow-up

Kasey – I wanted to respond to your comment about potential sampling of the crop that is currently in the ground. While ESE Alcohol is not currently under an order requiring it to sample this crop, it plans to perform residue sampling prior to harvest. In checking with Duane, it appears we are in harvest season for the wheat crop and, based on the condition of the crop, harvest of these fields needs to begin very soon, ideally within the next week. Any sampling of the crops needs to occur prior to harvest. Terry Bobo will perform the sampling according to the attached plan, which outlines the sampling and analytical methods. Our plan is for Terry to obtain the samples on Friday (6/24) and send them off for analysis on a rush basis. Please let me know if you have any questions or would like to

discuss.

I have some additional comments on the other points raised in your email, but didn't want to delay in getting this out. I'll be in touch with the additional comments by separate email.

Best,

Kirk